

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
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U.S. DISTRICT COURT
DISTRICT OF MASS

PEIERLS FOUNDATION, INC.
and E. JEFFREY PEIERLS, individually
and as trustee,
Plaintiffs,

v.

CIVIL ACTION
NO. 03 CV 12213 EFH

JAMES E. RURKA, MARK SKALETISKY
PAUL J. MELLET, RICHARD ALDRICH,
KATE BINGHAM, CHARLES W. NEWHALL III
DAVID SCHNELL, and JOHN P. WALKER,
Defendants.

**ASSENTED-TO MOTION OF DEFENDANTS
FOR ENLARGEMENT OF TIME WITHIN WHICH
TO RESPOND TO THE COMPLAINT**

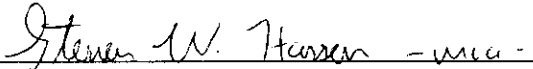
Defendants, through their undersigned counsel, hereby move this Honorable Court, with the assent of Plaintiffs, for an enlargement of time within which to respond to the Complaint and Jury Demand (the "Complaint") in the above-referenced action. Defendants request that the time within which they may answer, move, or otherwise respond to the Complaint be enlarged up to and including February 17, 2004. Defendants request this time to allow them to investigate and respond to Plaintiffs' allegations.

WHEREFORE, Defendants requests this Honorable Court to grant their Motion for Enlargement of Time, permitting them to file a response to the Complaint on or before February 17, 2004.

Respectfully submitted,

JAMES E. RURKA, MARK SKALETISKY,
PAUL J. MELLET, RICHARD ALDRICH,
KATE BINGHAM, CHARLES W. NEWHALL
III, DAVID SCHNELL, and JOHN P.
WALKER

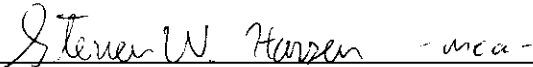
By their attorneys,


Steven W. Hansen, BBO#220820
BINGHAM McCUTCHEN LLP
150 Federal Street
Boston, MA 02110
(617) 951-8000

Dated: January 12, 2003

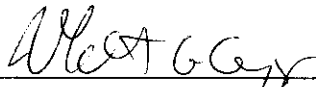
LOCAL RULE 7.1(A)(2) CERTIFICATION

Undersigned counsel hereby certifies that he conferred with counsel for Plaintiffs on January 9, 2004, in an attempt to resolve the issue presented in this motion, at which time counsel for Plaintiffs informed counsel for Defendants that Plaintiffs assented to this request for additional time.


Steven W. Hansen

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney(s) of record for each other party by mail on January 12, 2003.


Matthew C. Applebaum